

15680. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Cases, et al., of Vinegar. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22488, 22491. I. S. Nos. 19991-x, 19996-x. S. Nos. 577, 604.)

On February 28, and March 2, 1928, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 30 cases of vinegar, in part at Taylorville, Ill., and in part at Decatur, Ill., alleging that the article had been shipped from the Southern Mfg. Co., St. Louis, Mo., in part on or about October 14, 1927, and in part on or about January 10, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled, in part: "Diamond Crown Brand Reduced Cider Vinegar." The remainder of the said article was labeled in part: "Golden West Brand Corn Sugar Vinegar 40 Grain Strength * * * Packed & Guaranteed By Southern Manufacturing Co. St. Louis, Mo."

Adulteration was alleged in the libel with respect to the "Diamond Crown" brand vinegar for the reason that a vinegar made from evaporated apple products had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the "Golden West" brand for the reason that distilled vinegar had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements "Cider Vinegar," with respect to the "Diamond Crown" brand, and "Corn Sugar Vinegar 40 Grain Strength," with respect to the "Golden West" brand, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judgments of the court were entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$300, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15681. Misbranding and alleged adulteration of vinegar. U. S. v. 3 Barrels, et al., of Vinegar. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22424, 22425, 22426, 22427, 22431. I. S. Nos. 19907-x, 19913-x, 19918-x, 19920-x, 19921-x. S. Nos. 513, 514, 517, 524.)

On February 8 and 28, 1928, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 158 barrels and 5 kegs of vinegar, in part at Springfield, Ill., and in part at Pana, Ill., alleging that the article had been shipped from the National Vinegar Co., St. Louis, Mo., in various consignments, on or about October 31, December 15, and December 22, 1927, respectively, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, in part, variously: "Golden Rule Brand * * * Cider Vinegar Reduced to 4 Percent;" "Cider Vinegar reduced to 4 per cent St. Louis;" "Cider Vinegar Reduced to 4 Percent Elk Brand;" "Evaporated Apple Vinegar Reduced to 4 Percent."

Adulteration was alleged in the libels with respect to the so-called cider vinegar, for the reason that a vinegar from evaporated or dried apple product had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the so-called evaporated apple vinegar for the reason that an acid product other than evaporated apple vinegar had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements "Cider Vinegar" or "Evaporated Apple Vinegar," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judg-